

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ILFRICH INTEGRATED SOLUTIONS, INC.  
and GARAGE FORCE CAPITAL, INC.,

Plaintiffs and Counter-Defendants,

ORDER

v.

19-cv-200-wmc

GARAGE FORCE OF DENVER SOUTH, LLC,  
FLOOR COATINGS USA LLC and CHAR  
FESSENDEN,

Defendants,

and

DAVID FESSENDEN,

Defendant and Counter-Claimant,

DAVID FESSENDEN,

Third-Party Plaintiff,

v.

MIKE PETERSON, PATRICK ILFREY and  
ROSS CRAVENS,

Third-Party Defendants.

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The court is in receipt of various filings by defendants David Fessenden and Char Fessenden, both proceeding *pro se*, that require brief comment and instruction. *First*, defendant David Fessenden filed his answer and counterclaims against the two plaintiffs, as well as third-party claims against three individuals, Mike Peterson, Patrick Ilfrey and Ross Cravens. (Dkt. #20.) Mr. Fessenden is advised that he should request summonses for these three individual defendants, by completing the “summons on a third-party complaint” form available on the court’s website,

<https://www.uscourts.gov/sites/default/files/ao441.pdf>. After receiving the summons, Mr. Fessenden will be required to serve his third-party complaint and the summons on each of the third-party defendants as required under Federal Rule of Civil Procedure 5. He is also encouraged to contact the court's *pro se* clerks at 608-264-5156 should he require additional guidance.

*Second*, Mr. Fessenden filed an individual response to plaintiffs' motion for preliminary injunction, which simply incorporates his answer and counterclaims. While recognizing his *pro se* status, the court nonetheless will require Mr. Fessenden to do his level best to respond in writing and individually to each of plaintiffs' numbered, proposed findings of facts (dkt. #9), as is required of all parties. *See* Procedure to be Followed on Motions for Injunctive Relief, [https://www.wiwd.uscourts.gov/sites/default/files/Injunctive Relief.pdf](https://www.wiwd.uscourts.gov/sites/default/files/Injunctive%20Relief.pdf). The reason for this requirement is to help the court to distill out where the real disputes of fact exist between the parties. Mr. Fessenden may file his response on or before April 19, 2019. Failure to do so may result in the court deeming plaintiffs' proposed facts to be undisputed for purposes of plaintiffs' motion for preliminary injunction.

*Third*, the court notes that defendant Char Fessenden has filed a motion to dismiss for lack of personal jurisdiction. (Dkt. #21.) The court will modify the briefing schedule on this motion slightly. Plaintiffs' response is now due on or before April 23, 2019, which will allow the court to consider the motion, or at least plaintiffs' opposition, before the preliminary injunction hearing. Ms. Fessenden's reply, if any, will now be due April 30, 2019. The court also notes that *without prejudicing her claim of lack of personal jurisdiction*, Ms.

Fessenden may want to sign on to her husband's response to plaintiffs' motion for preliminary injunction, so as to not leave those allegations asserted against her undisputed.

*Fourth*, neither of the LLC defendants responded to plaintiffs' motion for preliminary injunction. Mr. Fessenden signed his opposition to the motion for preliminary injunction as an individual, presumably understanding that he is unable to act as attorney for the LLCs. *See United States v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (limited liability corporation "is not permitted to litigate in a federal court unless it is represented by a lawyer licensed to practice in that court"). The two LLC defendants should promptly secure counsel and answer the complaint and pending motion for a preliminary injunction or default judgment may be entered against them.

*Fifth*, and finally, in his response, Mr. Fessenden states that he intends to appear at the hearing on April 29, 2019. The court clarifies that the hearing is April 26, 2019, *not* April 29.

Entered this 9th day of April, 2019.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge